THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22036 of 2005 & batch

Dated 07-10-2005

Between:

R.P. Reddy,

Hyderabad and others.

…Petitioners

and

The Regional Manager,

A.P.S.R.T.C., Hyderabad,

and others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.22036 of 2005 & batch

COMMON ORDER:

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The petitioners, in this batch of Writ Petitions, are the Drivers and Conductors, as the case may be, employed with the A.P.S.R.T.C., in various depots. While some are engaged on daily- wage basis, others are employed on regular basis. Their grievance is that they are being transferred indiscriminately to the far off places outside the respective regions, causing great hardship to them. It is also alleged that the respondents are not adopting any objective criteria in selecting the persons for being transferred to the far off places.

The learned counsel appearing for the petitioners submit that the Drivers and Conductors, attached to the respective depots, at the most, can be transferred within the region. They contend that the question of the Drivers and Conductors being transferred from one region to another, that too, through the orders of Regional

Manager, does not arise.

The learned Standing Counsel for the respondents, on instructions, submits that the transfer of Drivers and Conductors from one region to another is resorted to, depending on the needs and exigencies of service. It is contended that in most of the cases, whenever the employees have become surplus, instead of retrenching them, the Corporation is providing necessary employment to them in the other regions. It is also stated that in some seasons, the requirement of Drivers and Conductors is more in certain areas and to balance this, the transfers are being made.

The region is the unit of appointment for the posts of Drivers and Conductors. They can be transferred within the region, depending on the need. However, it is also competent for the Corporation to transfer them from one region to another. Such transfers must be effected objectively and by the competent authority. By and large, the transfer of daily-wage Drivers or Conductors cannot be resorted to indiscriminately. It is not as if the Corporation is under obligation to provide employment to them on everyday. They have to be engaged only as and when the work exists. If they are willing to wait for their turn, they cannot be compelled to report to the other regions. Apart from the legality involved in such matters, the inconvenience and the hardship of the employees also need to be taken into account. When the very engagement is on daily-wage basis, compelling them to have their own family establishments, at various places, that too, for only certain periods, would have its own impact on their lives.

While the Regional Manager has absolute power to effect transfers within his region, he cannot be permitted to transfer the employees from his region to another region. It is only the Executive Director, or any other competent authority, at the State level, that can pass such orders. It is a different thing, if there exist necessary orders from the competent authority and the same is implemented by the Regional Manager.

For the foregoing reasons, the writ petitions are disposed of, directing that:

a. the transfer of Drivers and Conductors, whether appointed on regular or daily-wage basis from one region to another, shall be effected only after ascertaining their willingness or by strictly following the rule of seniority. Except in cases where the persons at the bottom of the seniority list have come to a region by foregoing their seniority

in the other regions, the selection of persons for transfer, shall always be from the bottom of the seniority list.

b. The Executive Director or any officer authorized by him shall be competent to order transfer of specified individuals from one region to another and except passing orders of implementation, the Regional Manager shall not have any power to transfer Drivers and Conductors from their region to other regions.

c. There shall be no order as to costs.

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Dt.07-10-2005. L. NARASIMHA REDDY, J.

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